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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,181	06/22/2001	Barry E. Willner	I01.057	9539
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BMT/IBM FIVE ELM STREET NEW CANAAN, CT 06840			BAROT, BHARAT	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,181

Applicant(s)

WILLNER ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 42-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-41 and 53-54 remain for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-34, 38-41, and 53-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 38-40, and 53-54, the phrase "may" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-41 and 53-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmed et al (U.S. Patent No. 6,880,171).

Ahmed's patent meets all the limitations for claims 1-41 and 53-54 recited in the claimed invention.

6. As to claim 1, Ahmed et al teach a method for providing content (figures 1-2s), comprising: determining a plurality of content segments; determining a device associated with a recipient of the plurality of content segments (figure 1; column 2 line 66 to column 3 line 14; and column 10 lines 32-67); and providing a first of the plurality of content segments to the device at a first time and a second of the plurality of content segments to the device at a second time (figures 2s; column 14 line 64 to column 15 line 6; and column 16 lines 15-36), wherein display of a content segment by the device interrupt operation of the device (column 22 line 63 to column 23 line 31).

7. As to claims 2-3, Ahmed et al teach that the determining a plurality of content segments includes selecting the plurality of content segments and determining bandwidth of a communication channel to the device (column 11 lines 1-33); and receiving a notification regarding the plurality of content segments (column 10 lines 32-67).

8. As to claims 4-5, Ahmed et al teach that identifying the recipient and selecting the recipient from a group (column 2 line 66 to column 3 line 14).

9. As to claim 6, Ahmed et al teach that determining a communication channel to the device (column 11 lines 17-33; and column 13 lines 20-27).

10. As to claims 7-8, Ahmed et al teach that determining the first time and the second time and determining a time interval associated with the first and the second of the plurality of content segments (column 16 lines 15-36).

11. As to claims 9-10, Ahmed et al teach that selecting a length of time between the first time and a time at which a response to the first of the plurality of content segments is received (column 16 lines 15-36); and determining a length of time available to display the plurality of content segments (column 21 lines 38-50).

12. As to claim 11, Ahmed et al teach that providing the both the first and the second of the plurality of content segments to the device prior to the first time and allowing the device to display the first of the plurality of content segments at the first time and the second of the plurality of content segments at the second time (column 15 line 7 to column 16 line 14).

13. As to claim 12, Ahmed et al teach that providing to the device at the first/second time data indicative of a location of the first /second of the plurality of content segments (figure 1; and column 10 lines 32-67).

14. As to claim 13, Ahmed et al teach that interrupting display of a content segment by the device interrupting operation of the device, and interrupting operation of software on the device (column 22 line 63 to column 23 line 31).

15. As to claim 14, Ahmed et al teach that the at least one of the pluralities of content segments includes at least one of the following: an advertisement, a sound file, a video file, and a text (column 2 line 66 to column 3 line 20; and column 23 lines 24-31).

16. As to claims 15-16, Ahmed et al teach that allowing the recipient to select the plurality of content segments; and receiving a notification regarding a communication channel to the device (figure 1; and column 11 lines 1-33).

17. As to claims 17-19, Ahmed et al teach that identifying the plurality of content segments after receiving a request, selecting the plurality of content segments, wherein the request includes information regarding a communication channel for delivery of the plurality of content segments (figure 1; and column 11 lines 1-33).

18. As to claim 20, Ahmed et al teach that the first and second of the plurality of content segments are stored on said device (figure 1; column 10 lines 55-56; and column 12 lines 13-16).

19. As to claim 21, Ahmed et al teach that an interruption in display of material by the device (column 23 lines 24-31).

20. As to claims 22-25, Ahmed et al teach that evaluating a response to the plurality of content segments; and determining a format for the first of the plurality of content segments, wherein all of the plurality of content segments are thematically related (column 1 line 63 to column 2 line 23; and column 16 line 66 to column 17 line 29).

21. As to claims 26-28, Ahmed et al teach that identifying a time period during which the plurality of content segments are to be displayed by the device, wherein the first time and the second time occur within the time period; and determining a first time associated with a first of the plurality of content segments and a second time associated with a second of the plurality of content segments by randomly selecting the first time and the second time from the time period (column 16 line 16 to column 17 line 29).

22. As to claims 29-30, Ahmed et al teach that determining correctness of a response to the first of the plurality of content segments (column 2 line 66 to column 3 line 20); and disclose that wherein selection of the second of the plurality of content segments is based on the first of the plurality of content segments (column 19 line 27 to column 20 line 31).

23. As to claims 31-32, Ahmed et al teach that determining a duration of time that the first of the plurality of content segments is to be displayed by the device; and determining a rule governing display of the first of the plurality of content segments by the device (column 16 line 15 to column 17 line 29).

24. As to claims 33-34, Ahmed et al teach that determining a benefit associated with viewing of the plurality of content segments and providing a notification of the benefit (column 11 line 34 to column 12 line 30).

25. As to claim 35, Ahmed et al teach a method for providing content, comprising: determining a plurality of content segments; identifying a first device associated with a recipient of the plurality of content segments and a second device associated with the recipient; allowing the first device to display a first of the plurality of content segments; and allowing the second device to display a second of the plurality of content segments (column 4 line 63 to column 6 line 56).

26. As to claims 36-37, Ahmed et al teach that providing the first of the plurality of content segments to the first device and the second of the plurality of content segments to the second device; and providing data indicative of a location of the first of the plurality of content segments to the first device and data indication of a location of the second of the plurality of content segments to the second device (column 4 line 63 to column 6 line 56).

27. As to claims 38-39, Ahmed et al teach that display of the first/second content segment by the first/second device interrupt operation of the first/second device (column 22 line 63 to column 23 line 31).

28. As to claims 40-41, they are also rejected for the same reasons set forth to rejecting claims 1, 15, and 20 above.

29. As to claims 53-54, they are also rejected for the same reasons set forth to rejecting claim 1 above, since claims 53 is merely an apparatus and claim 54 is merely a program product for the method of operation defined in the method claim 1.

Additional References

30. The examiner as of general interest cites the following references.

a. Benaloh, U.S. Patent No. 6,886,098.

Benaloh discloses a system and method for generating an encryption key for a plurality of content segments and determining a key set for distributing the plurality of the content segments.

b. Ishiguro et al, U.S. Patent No. 6,807,641.

Ishiguro discloses a content provider system for distributing contents data over a network.

Contact Information

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

May 19, 2005


BHARAT BAROT
PRIMARY EXAMINER